IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

WP(C).No. 17079 of 2006(G)

PETITIONER:

VASANTHAKUMARY,
W/O.KRISHNAN NAIR, MELEKALLUVILA VEEDU,
KALLIYOOR.P.O, THIRUVANANTHAPURAM.

BY ADV. SRI.P.G.PARAMESWARA PANICKER (SR.)

RESPONDENTS:
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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, OFFICE OF THE JOINT REGISTRAR, THIRUVANANTHAPURAM.

2. THE ASSISTANT REGISTRAR, CO-OPERATIVE SOCIETIES, OFFICE OF THE ASSISTANT REGISTRAR, THIRUVANANTHAPURAM.

3. THE KALLIYOOR PANCHAYATH VANITHA SAHAKARANA SANGHOM LTD. NO. 1204, KELESWARAM KALLIYOOR.P.O, THIRUVANANTHAPURAM, REP. BY ITS PRESIDENT, V.MINI KRISHNAN.

4. THE EXECUTIVE COMMITTEE OF KALLIYOOR PANCHAYATH VANITHA SAHAKARANA SANGHOM LTD. NO.1204 KELESWARAM, KALLIYOOR.P.O, THIRUVANANTHAPURAM, REP. BY ITS PRESIDENT.

5. PREMACHANDRAN NAIR, 'LAKSHMI RAMAM' IYTHIYOOR BHAGAVATHI NADA, BALARAMAPURAM.P.O, THIRUVANANTHAPURAM.

BY ADV. SRI.T.R.HARIKUMAR
BY GOVT.PLEADER SRI. P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

Petitioner's Exhibits

Ext.P1: True copy of the list of elected members published by the Returning Officer affixed on the notice board of the Sanghom dated 25-03-2006

Ext.P2: True copy of the order of the 1st respondent dated 10-05-2006 sanctioning the post of Secretary

Ext.P3: True copy of the notification dated 17-06-2006 published in Kerala Kaumudhi daily

Ext.P4: True copy of the representation dated nil

Ext.P5: True copy of the acknowledgment card

Ext.P6: True copy of the relevant pages of the inspection book of the Unit Inspector, Manacadu

Ext.P7: True copy of the notice dated 14-02-2007 issued by the 2nd respondent

Respondents' Exhibits

Ext. R4(a) True copy of the relevant pages of the minutes book dated 31-3-2006 of the society

Ext.R4(b): True copy of the resolution dated 15-6-2006 of the 4th respondent-society

Ext.R4(c): True copy of the letter dated 25-3-2006 issued by the 4th respondent -society

Ext.R4(d): True copy of the postal receipt

//True copy//

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S.SIRI JAGAN .J

W.P (C) No 17079 of 2006

Dated this the 6th day of March 2007

JUDGMENT

The issue involved in this writ petition is as to whether the newly elected committee has actually taken charge. Originally, the 2nd respondent is stated to have submitted a report before the 1st respondent to the effect that the new committee has not taken charge but he has now filed an affidavit before this Court to the effect that the report was submitted without verifying the minutes book of the society. The 1st respondent has filed an affidavit to the effect that going by the minutes book of the society there appears to be a meeting of four of the newly elected committee members out of six and they elected from among them one person as the President and the other as the Secretary. In spite of the same the petitioner contends that the newly elected committee has not taken charge . One of the prayers in this writ petition is to direct the 1st respondent to enquire into the allegations raised by the petitioner in Ext.P4 representation. The 4th respondent who represents the newly elected committee has no objection in that course of action. In the above circumstances I direct the 1st respondent to enquire into the allegations raised by the petitioner and pass appropriate orders as expeditiously as

possible at any rate within one month from the date of receipt of a copy of this judgment. The 2nd respondent shall not proceed with the proceedings initiated by notices issued by him to the petitioner, since I have directed the 1st respondent to conduct the enquiry now. The 1st respondent shall afford an opportunity of being heard both the petitioner as well as the 4th respondent before taking a final decision.

Writ petition is disposed of as above.

S.SIRI JAGAN .JUDGE

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